



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
SAN FRANCISCO DISTRICT, CORPS OF ENGINEERS
211 MAIN STREET
SAN FRANCISCO, CALIFORNIA 94105-1905

DEC 20 1994

Construction-Operations Division (1145b)
Regulatory Branch

Subject: File Number 20275E29

Robert C. Douglass
Cargill Salt Division
7200 Central Avenue
Newark, California 94560

Dear Mr. Douglass

This letter is a response to your request for a jurisdictional delineation of the eastern portion of Cargill's Napa Salt Plant. That request was initially received in April of 1993 and reinstated by your letter of September 15, 1994.

Enclosed please find a series of maps showing the extent and location of Corps Section 404 CWA jurisdiction. We have issued this delineation of jurisdiction to comply with your request and to facilitate your planning for this site. We have done our jurisdictional analysis for Section 404 with only the information you have offered, in-house and commercial aerial photography, information found in public records, published literature, and on-sight investigations for wetland parameters. We are aware of other types of information which could help refine this jurisdictional determination. The Corps has the prerogative of changing its determination if and when new information is provided. Should you wish to provide additional information about the site which might enable us to refine this determination we are ready to provide guidance on what quantitative data could be useful, and the appropriate methods to gather such data.

Please also find a small map which indicates areas of Section 10 jurisdictional. We have provided a copy of the Nichols and Wright study, showing your approximate property boundaries, for our map of Section 10 jurisdiction. As you are aware, Section 10 jurisdiction extends to all areas which were previously tidal to the Mean High Water line. The San Francisco District does, however, not exercise its jurisdiction if such areas have been filled above that line before January 18, 1972 or subsequently filled pursuant to Corps permit. We have extensively reviewed aerial photography of your site and believe

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that most of the slough traces shown on the Section 10 map still exist. However, we believe that some areas (e.g. roads and exterior levees) have been filled above MHW in the past. Because you have not provided elevational data we cannot precisely define the Section 10 jurisdiction at this time. Should you wish to have a precise map of Section 10 jurisdiction we are ready to provide you with guidance on what additional data are required to modify the "Thingard maps" (dated 1976), submitted by your legal counsel, so that they will constitute accurate maps of the Corps' Section 10 jurisdiction.

We have based this jurisdictional delineation on the current conditions of the site. A change in those conditions may also change the extent of our jurisdiction. This jurisdictional delineation will expire in three years from the date of this letter. However, if there has been a change in circumstances which effects the extent of Corps jurisdiction, a revision may be done before that date.

All proposed work and/or structures extending bayward or seaward of the line on shore reached by: (1) mean high water (MHW) in tidal waters, or (2) ordinary high water in non-tidal waters designated as navigable waters of the United States, must be authorized by the Corps of Engineers pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403). Additionally, all work and structures proposed in unfilled portions of the interior of diked areas below former MHW must be authorized under Section 10 of the same statute.

All proposed discharges of dredged or fill material into waters of the United States must be authorized by the Corps of Engineers pursuant to Section 404 of the Clean Water Act (CWA) (33 U.S.C. 1344). Waters of the United States generally include tidal waters, lakes, ponds, rivers, streams (including intermittent streams), and wetlands.

If an individual permit is required for any proposed activities in 404 jurisdiction, it will be necessary for you to demonstrate to the Corps that your proposed fill is necessary because there are no practicable alternatives, as outlined in the U.S. Environmental Protection Agency's Section 404(b)(1) Guidelines. A copy is enclosed to aid you in preparation of this alternative analysis. Be aware that failure to satisfy the 404(b)(1) Guidelines will require denial of your application for a Corps permit.

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If you have any questions, please call Sharon Moreland of our Regulatory Branch at telephone 415-744-3318 Ext. 232. Please address correspondence to the District Engineer, Attention: Regulatory Branch, and refer to the file number at the head of this letter.

Sincerely,

Max R. Blodgett
Chief, Construction-Operations
Division

Enclosures (2)

CF:

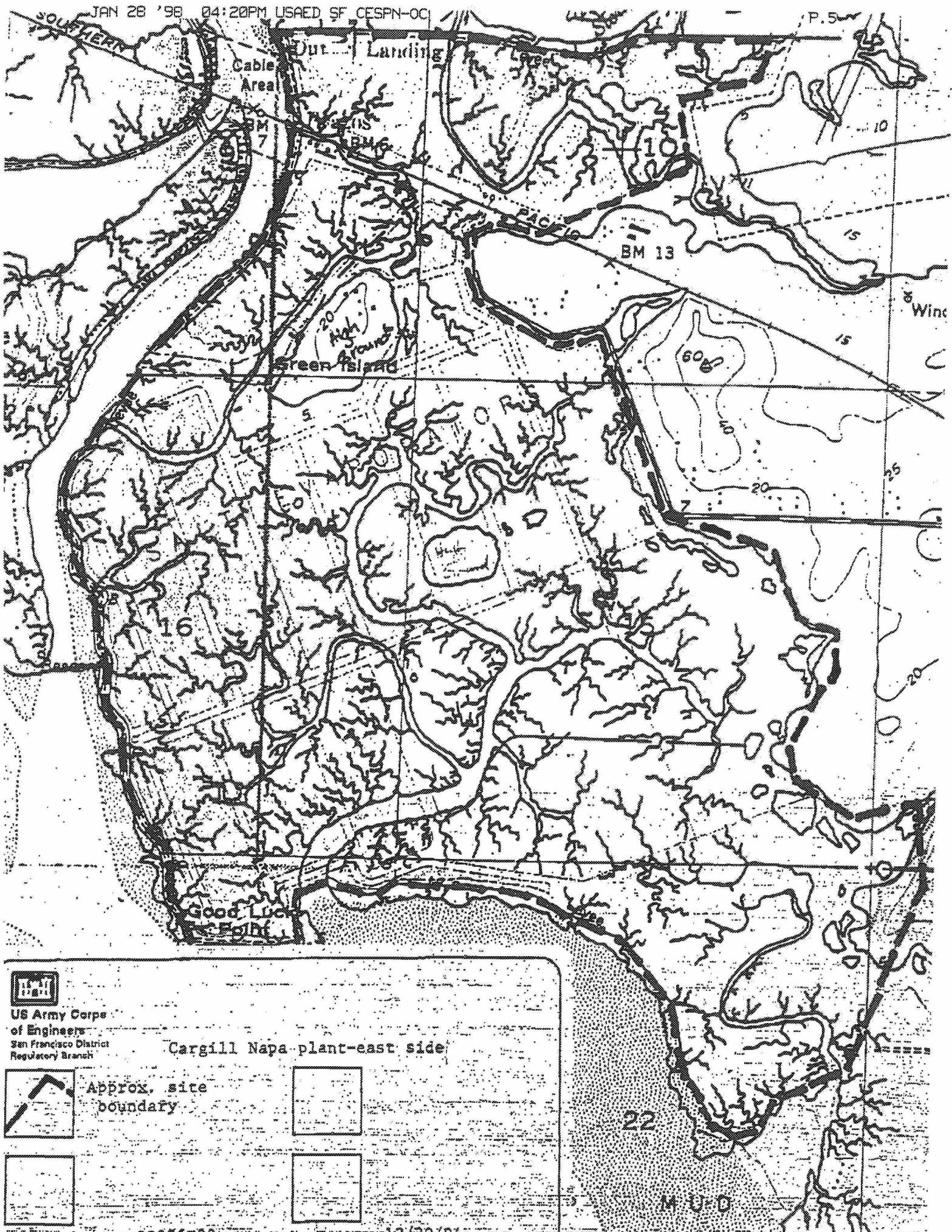
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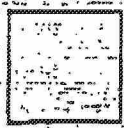
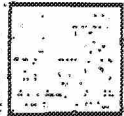
BLDG
CESP-OC




 US Army Corps
 of Engineers
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Cargill Napa plant-east side


 Approx. site
 boundary



M U D